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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,441	01/16/2002	Bruce M. Slesinger	GPL-1 CIPCON	4039

1473 7590 07/09/2003

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NEW YORK, NY 10020-1105

EXAMINER

NEILS, PEGGY A

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,441

Applicant(s)

SLESINGER ET AL.

Examiner

Peggy A. Neils

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-35, 37-52, 55-69, 72-87 and 89-99 is/are rejected.
- 7) ☒ Claim(s) 36, 53, 54, 70, 71 and 88 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Response to Amendment

1. Applicant's amendment has canceled Claims 1, 16 and 24 and submitted new Claims 32-99 for consideration. The obviousness-type double patenting rejection is withdrawn.
2. This application filed under former 37 CFR 1.60 lacks the necessary reference to the prior application. A statement reading "This is a continuations of Application No. 09/155,638, filed 10/01/1998." should be entered following the title of the invention or as the first sentence of the specification. Also, the current status of all nonprovisional parent applications referenced should be included.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 30-35, 38-52, and 55-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Krehl. Krehl shows a modular lighting system for a display which includes a horizontal member 14, a first vertical member 6 having an outer member 29, a first conductive member 80 disposed behind the outer member near a plurality of openings 30, and a first support assembly 10 including a shank portion for engaging one of the plurality of openings with hooks 67, 68 and 69 readable as the support pins, and a cantilever portion formed integral with the shank portion. The top of the support assembly 10 is readable as a nonconductive portion. As shown in the figures, there is a second vertical member spaced from the first vertical member configured in the same

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manner as the first vertical member. A power source is shown at 16. As shown in Figure 1, the shelves 14 are "adapted" to couple with the first and second conductive members through contact of support assemblies 8 and 10. Panel 31 is coupled between the two vertical members. The display is a shelf and the electrical fixture is a lamp 22 positioned between two sockets located at the end of the shelf/horizontal member and underneath the shelf as shown in Figure 1.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 37, 64-69, 72-81, 82-87, 89-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krehl.

Krehl does not show a peg for making electrical contact with the support pin and supporting the horizontal member. Also shelf 14 is disclosed as being transparent as opposed to the claimed "translucent" material. As the assembly of Krehl accomplishes the same desired result of providing modular furniture with an electrical fixture to have the shelf made from a translucent material and to include a peg in the assembled parts is a matter of design choice.

Allowable Subject Matter

7. Claims 36, 38-40, 53-57, 70-74, 88 and 90-92 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

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limitations of the base claim and any intervening claims. Claims 36 and 38-40 as they depend on Claim 36 are considered to have allowable subject matter because Claim 36 requires that the panel which is coupled between the first and second vertical members be electrically coupled to the first and second conductive members and that the electrical fixture receives power therefrom. This combination of limitations was not shown or suggested by the prior art. Claims 53 and 54-57 as they depend on Claim 53 are considered to have allowable subject matter because Claim 53 requires that the panel which is coupled between the first and second vertical members be electrically coupled to the first and second conductive members and that the electrical fixture receives power therefrom. Claims 70 and 71-74 as they depend on Claim 70 are considered to have allowable subject matter because Claim 70 requires that the panel which is coupled between the first and second vertical members be electrically coupled to the first and second conductive members and that the electrical fixture receives power therefrom. Claims 88 and 90-92 as they depend on Claim 88 are considered to have allowable subject matter because the Claim 88 requires that the panel which is coupled between the first and second vertical members be electrically coupled to the first and second conductive members and that the electrical fixture receives power therefrom.

Conclusion

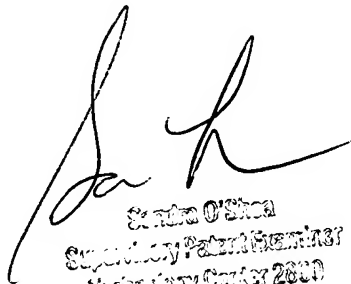
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oberle and Slesinger et al are cited on interest.

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any questions regarding this Office action should be directed to Examiner Neils at (703) 308-6554.



Examiner Neils
Supervisory Patent Examiner
Technology Center 2875